

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GMA ACCESSORIES, INC.

Plaintiff,

Civil Action No.: 07CV3219 (LTS) (DF)

- against -

DECLARATION OF JOHN P. BOSTANY

CHARLOTTE SOLNICKI,
CHARLOTTE B, LLC, EMINENT, INC.,
SAKS FIFTH AVENUE, INC.,
INTERMIX, INC., WINK NYC, INC.,
LISA KLINE, INC., GIRLSHOP, INC.,
SHOWROOM SEVEN STUDIOS, INC.,
ELECTRIC WONDERLAND, INC.,
SHOWROOM SEVEN INT'L, SHOWROOM
SEVEN, JONATHAN SINGER, GOSI
ENTERPRISES, LTD., TIERNEY DIRECT
LLC and JONATHAN SOLNICKI,

Defendants.

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JOHN P. BOSTANY hereby declares, under penalty of perjury as follows:

1. I am a member of The Bostany Law Firm, attorneys for Plaintiff GMA ACCESSORIES, INC. ("GMA") in this proceeding.
2. I respectfully submit this declaration in response to the motion by non party defendant SANEI CHARLOTTE RONSON LLC, to modify an injunction that was issued by this Court on October 18, 2007 as to former defendant BOP LLC.
3. The history of this injunction is well known this honorable court and is summarized as follows:

September 18, 2007: plaintiff accepted an offer of judgment under Rule 68 that included this injunction.

September 19, 2007: BOP requested that this Court not enter the injunction portion of the offer.

October 18, 2007: after letter briefs by the parties the Court by Hon. Laura Taylor Swain, U.S.D.J., issues the injunction over BOP's objection.

October 19, 2007: BOP moves to vacate the injunction arguing *inter alia* that it is ambiguous and for example does not include CHARLOTTE RONSON merchandise in BOP's view.

December 20, 2007: This Court by Judge Swain denies BOP's motion in its entirety in a comprehensive opinion.

March 26, 2008: This Court by Hon. Harold Baer, U.S.D.J. issues an order to show cause why BOP and SANEI should not be held in contempt of the October 18 injunction by continuing to sell CHARLOTTE RONSON merchandise.

May 29, 2008: Hon. Debra Freeman, U.S.M.J. issues a report and recommendation ("R&R") that BOP be held in contempt but that SANEI not.

June 9, 2008: SANEI settles with GMA for an undisclosed sum which provides *inter alia* that GMA will not object to the findings of Judge Freeman nor oppose a motion to modify the injunction going forward while preserving the findings as to BOP that are contained in Judge Freeman's R&R for past conduct.

June 12, 2008: BOP settles with GMA for an undisclosed sum.

4. We correct the impression made by Sanei in ¶ 3 of its paper, insofar as the Order to Show Cause was for contempt of BOP and included Sanei as an aider and abetter to BOP's contempt.

5. Further with respect to ¶ 5 of the application, Sanei's payment did not only include GMA's agreement not to oppose an application to modify the injunction as it provided for other significant benefits to Sanei.

Wherefore, plaintiff does not object to the motion to modify the BOP injunction going forward and does not object to the findings of the R&R.

A copy of proposed form of order that more accurately reflects the procedural remedy proposed herein is respectfully annexed.

Dated: New York, New York
June 16, 2008

By: John P. Bostany (JB 1986)